

## REMARKS

### Election/Restriction

Applicant acknowledges election of Group I, Claims 1-17.

### Specification

The Examiner objected to the specification because it is inconsistent with the claim languages. The Examiner states as follows:

*"... the specification discloses an upper and a lower degater halves (see page 6, paragraph 0020) and the claims recite a first and a second degater halves (see claim 1, lines 2)."*

It should be noted that it is possible to claim more broadly than what is described in the specification. As such, the first and second degater halves of the claims refer respectively to the upper and lower degater halves of the description. Applicant submits that such practice is permitted, since it is merely a broader manner of claiming the specifics of the description.

Applicant respectfully requests withdrawal of the objections to the specification.

### 35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states as follows:

*"... the limitation: 'a separator secured to the first half and having a first surface contacting a second of the subassemblies,' was insufficiently described in the specification and/or the drawings in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected."*

The Examiner is referred to Figure 14, which shows that support pins 48 secured to a support 28 of a degater half (22 in Figure 1) and having a surface 50 contacting a substrate 94 of a subassembly. The Examiner is also referred to Paragraph [0036], Line 2, which refers to the contact made by the support pins 48.

As such, Applicant submits that the limitation referred to by the Examiner is sufficiently described in the specification. Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-14 under 35 U.S.C. § 112, first paragraph as being indefinite for failing to comply with the enablement requirement.

The Examiner rejected claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which Applicant regards as the invention. Applicant has made some amendments to claim 1, and further explanations follow.

The Examiner states that it is unclear whether the claims are directed to the degater or the combination of the degater and the subassemblies. The components of the degater are positively claimed, and the subassemblies and their subcomponents are inferentially claimed. As such, the claim is directed to the degater only. The relationship of the components of the degater are recited via the components that are inferentially claimed.

The Examiner also states that it is unclear whether "a subassembly" of claim 1, line 8, is the same as "a subassembly" as previously recited in claim 1, line 8. These are in fact different subassemblies. Claim 1 has been amended to refer to "... one subassembly ... and ... another subassembly..."

The Examiner also states that the term "the subassemblies" lacks proper and decedent basis. Based on the above explanation that there are in fact more than one subassembly, it should be clear that there is sufficient antecedent basis for "the subassemblies."

The Examiner then continues by stating that it is unclear whether the term "a first of the subassemblies" and "the first subassembly" are the same. Applicant confirms that they are in fact the same.

The Examiner then continues by stating that it is unclear whether the term "a second of the subassemblies" and "the second subassembly" are the same. Applicant confirms that they are in fact the same.

### 35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Kuno. The Examiner did, however, indicate that claim 13 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs. It appears that the reason for the Examiner's allowance of claim 13 is because Kuno does not have any components that are pivotally secured to one another.

Applicant has amended claim 1 to include that the retainer has a first portion pivotally secured to the first half. Applicant submits that claim 1, as amended, now includes at least one limitation that is not disclosed in Kuno.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Kuno.

### Allowable Subject Matter

The Examiner's indication that claim 13 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs, is noted with appreciation.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite

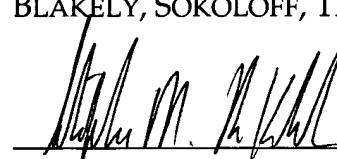
or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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